

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CONRAD J. FRANZ,

Plaintiff,

- against -

08 Civ. 6061(PKC) (DFE)
This is not an ECF case
MEMORANDUM AND ORDER

STEPHEN L. JOHNSON, Administrator,
U.S. ENVIRONMENTAL PROTECTION AGENCY,
Defendant.

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DOUGLAS F. EATON, United States Magistrate Judge.

1. District Judge P. Kevin Castel has referred this case to me to conduct general pretrial supervision. This means that I will rule on pretrial scheduling and discovery, but any dispositive motions must be addressed to Judge Castel.

2. A review of the Court records indicates that the complaint was filed on July 2, 2008, and there is no proof that the summons and complaint have been served upon the defendant. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint [i.e., by October 30, 2008], the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period...

3. I direct Mr. Franz to complete all action needed for formal service of the summons and complaint upon each defendant. For this purpose, plaintiff must fill out the forms provided by this Court's Pro Se Office and forward them to the U.S. Marshal. If plaintiff needs more forms, he should request them from the Pro Se Office.

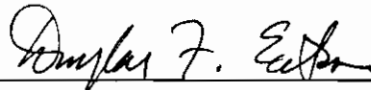
4. If Mr. Franz does not, by October 30, 2008, send me proof of service or good reasons for failure to make service, then I will recommend that the District Judge dismiss this lawsuit.

USDC SDNY
DATE SCANNED 8/6/08 *[signature]*

5. As soon as the defendant has been served, plaintiff must write to me within 30 days to tell me that the defendant has been served.

6. Mr. Franz is required to give prompt written notice, to both the Pro Se Office and my chambers, about any change of address. Failure to do so may result in a dismissal of the lawsuit.

7. The address of the Pro Se Office is Room 230, United States Courthouse, 500 Pearl Street, New York, NY 10007, and their telephone number is (212) 805-0175. They can provide assistance in connection with the Court's procedures, but they can not give legal advice.



DOUGLAS F. EATON
United States Magistrate Judge
500 Pearl Street, Room 1360
New York, New York 10007
Telephone: (212) 805-6175
Fax: (212) 805-6181

Dated: New York, New York
August 6, 2008

Copies of this Memorandum and Order are being sent by mail to:

Conrad J. Franz
73 Main Blvd.
Trenton, NJ 08618-1542

Pro Se Office
U.S. District Courthouse
500 Pearl Street, Room 230
New York, NY 10007

Hon. P. Kevin Castel